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Attorneys for Debtors

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA

**In re:**

**Case No. 17-42440 RLE**

**RICK DERON JOHNSON and  
FRANCESCA MARIE TOBIN-JOHNSON,**

**Chapter 13**

**Debtors.**

**MOTION TO VALUE PERSONAL  
PROPERTY UNDER § 506 & FRBP  
3012; NOTICE OF OPPORTUNITY  
FOR HEARING; DECLARATION IN  
SUPPORT; AND CERTIFICATE OF  
SERVICE**

**PLEASE TAKE NOTICE** that Debtors request the court value the collateral described below, which secures the claim of the Creditor BMW Financial Services NA, LLC. Debtors also request that the amount of the Creditor's secured claim not exceed the value of the collateral, less the claims of creditors holding senior liens or security interests. This determination shall supersede any greater claim demanded in a proof of claim. Any objections to the Creditor's claim are reserved.

**NOTICE IS HEREBY GIVEN**, pursuant to FRBP 3007 as modified by B.L.R. 9014-1 that any objection to the requested relief, or a request for hearing on the matter must be filed and served on the requesting

party within twenty-one (21) days of mailing of the notice; 2) that a request for hearing or objection must be accompanied by any declarations or memoranda of law the party objecting or requesting wishes to present in support of its position; 3) that if there is not a timely objection to the requested relief or a request for hearing, the Court may enter an order granting the relief by default; and 4) that the initiating party will give at least seven (7) days written notice of hearing to the objecting or requesting party, and to any trustee or committee appointed in the case, in the event an objection or request for hearing is timely made.

**MOTION**

Debtors hereby move to value the 2013 Mini Cooper S at \$12,400.00, limit Creditor's secured claim to \$12,400.00, and that any amount in excess be treated as a general unsecured claim, pursuant to 11 U.S.C. §§ 506 and 1322 (b) (2), FRBP 3012 and 9014, and B.L.R. 9014-1, which determination shall become part of Debtors' confirmed Chapter 13 Plan.

Dated: October 27, 2017                      /s/ Patrick L. Forte  
PATRICK L. FORTE  
Attorney for Debtors

## DECLARATION

I declare under the penalty of perjury that the information listed below is true and correct:

1. I am the Debtor in the above-captioned case.

2. At the time I filed my Chapter 13 case, I was the owner of the 2013 Mini Cooper S (the "collateral").

3. I am informed and believe that on the date I filed my case, the collateral was worth \$12,400.00.

4. BMW Financial Services NA, LLC holds a claim of approximately \$12,400.00, secured by the collateral.

Dated: October 30, 2017

/s/ Rick Deron Johnson

RICK DERON JOHNSON

**CERTIFICATE OF SERVICE**

I am not less than 18 years of age and not a party to the within case. My business address is: 1624 Franklin Street, #911, Oakland, CA 94612.

I served this MOTION TO VALUE COLLATERAL; NOTICE OF OPPORTUNITY FOR HEARING; DECLARATION IN SUPPORT by first-class United States Mail, postage pre-paid, at Oakland, California, on the date noted below and addressed to the Claimant above, and on those listed below. If entitled to notice, the Chapter 13 Trustee will receive such notice upon the electronic filing of this document I declare, under penalty of perjury, that the foregoing is true and correct.

Attn: Officer  
BMW Bank of North America  
PO Box 165028  
Irving, TX 75016

Attn: Rejoy Nalkara  
BMW Bank of North America  
C/o Ascension Capital Group  
PO Box 201347  
Arlington, TX 76006

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1 Attn: Officer  
2 BMW Financial Services NA, LLC  
3 300 Chestnut Ridge Road  
4 Woodcliff Lake, NJ 07677

5 Attn: Officer  
6 BMW Financial Services NA, LLC  
7 C/o CT Corporation System  
8 818 West Seventh Street, Suite 930  
9 Los Angeles, CA 90017

10 Attn: Officer  
11 BMW Bank of North America  
12 2735 East Parleys Way, Suite 301  
13 Salt Lake City, UT 84109

14 Attn: Officer  
15 BMW Financial Services NA, LLC  
16 P.O. Box 3608  
17 Dublin, OH 43016

18 Attn: Sejal Parmar  
19 Attn: BMW Bank of North America Department  
20 Ascension Capital Group  
21 Account: XXXXX1925  
22 P.O. Box 165028  
23 Irving, TX 75016

24 Dated: October 30, 2017

25 /s/ Joe P. Segura  
26 JOE P. SEGURA